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SUBJECT: NEW JUSTICE MINISTER: "NO POLITICAL PRISONERS IN  
SUDAN"

Classified By: CDA Alberto M. Fernandez, reasons 1.4 (b) and (d)

¶1. (C) CDA Fernandez called on new Sudanese Minister of Justice Abdel Basit Sabdarat on March 11. Sabdarat, who has been a cabinet minister or presidential advisor for 18 of the ruling National Congress Party's 19 years in government, said that this was the first time he had ever met an American diplomat (Note: this fact either speaks volumes about the state of US-Sudanese relations for the past 19 years or about the Minister himself). The Minister was named by President Al-Bashir in a February cabinet reshuffle replacing his dysfunctional predecessor.

¶2. (C) Sabdarat said that Sudan was ready to improve relations with the United States and work through all points of contention. He noted that "Sudan now has no political prisoners and doesn't intend to have any in the future." CDA congratulated Sabdarat on this (dubious) accomplishment but noted that opposition politicians like Ali Mahmud Hassanain were only released in December 2007. He also mentioned to Sabdarat the case of SPLM university leader Yen Mathew who is supposedly being held on trumped up murder charges. The Minister said that his ministerial colleagues in the SPLM have never raised this with him (this may be true since only one SPLM official, Cabinet Affairs Minister Pagan Amun, ever consistently raises this case with us) but he would look into the case. In any case, someone arrested for murder is charged with a common and not political crime.

¶3. (C) The Minister said that one reason he was chosen to take up the Justice portfolio was to clean up the backlog of reviewing current laws to make sure that they are in sync with the CPA and the Interim Constitution. Some new laws will be needed, but many just need revision. He praised, for example, "Sudan's current press law, which is one of the best in the Arab world." Charge agreed but noted that "most Arab press laws are terrible" and it did not compare to press freedom in some other African countries like Kenya or South Africa. Sabdarat said that the Ministry has a special team working on revising laws full-time to prepare them for review by the Sudanese National Assembly when it reconvenes next month.

¶4. (C) While a lot of public focus has been on the press law (where the Press Council and Journalists Union have the lead) and elections law (overseen by the Political Parties Council), the Ministry was focusing on other new laws that can really improve the quality of life of Sudanese citizens: a new Public Health law, a law for education and higher education, one governing the environment, and another looking at forests and the wise use of this resource.

¶5. (C) Sabdarat also trumpeted recent steps taken by the Ministry that should ensure the rights of the accused, except in the case of those arrested in the act of violent crimes: no arrests in the middle of the night, allowing bail, and

allowing bail that ensures the release of accused on the same day. The Minister said that he wanted to strengthen the presumption of innocence that is part of English common law, which undergirds Sudan's (and America's) legal system.

16. (C) Comment: A former Communist, and political prisoner, who threw in his lot with the current regime when it seized power in a coup in 1989, Sabdarat is nothing if not a survivor. He speaks in half truths: Sudan's press law is indeed better than, say, Saudi Arabia or Syria. There are no "political" prisoners but individuals can be easily accused for common crimes as a form of political vendetta. The regime does not actually respect the rule of law and will violate any written rights guarantee if it feels its national security interests - the survival of the regime - are threatened. And Sudan's atrocious behavior on so many issues over the past few years shows it to be a paranoid regime that often feels threatened. End comment.  
FERNANDEZ